IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 316 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMILA GHANSHYAMBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 316 of 2002

MR HITESH N ACHARYA for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 01/02/2002

ORAL JUDGEMENT

Rule. Mr. D.N.Patel, learned Standing Counsel appearing for the Government of India waives service of Rule on behalf of the respondent. Heard Mr. Acharya,

learned advocate for the petitioner and Mr. Patel, learned standing counsel for the respondent. During the hearing, Mr. Acharya, learned advocate for the petitioner has taken me through the petition and documents attached thereto. It is his contention that the petitioner has applied for passport by making an application relying upon certain documents but the petitioner has not still received any passport. The petitioner has accordingly approached the respondent authority on 10.1.2002 with an application for fresh passport with correction in the birth date of the petitioner as per the birth certificate, as there is a different date is mentioned in the school leaving certificate. As found from the documents namely, the birth certificate issued by the Chief Officer, Kapadwanj Municipality the date of birth of the petitioner is 9th May, 1962 and the said registration has taken place with the authority on 14th May, 1962. As per the school leaving certificate issued by the School Authority namely Principal, Shri L.M.Sharda Mandir, Kapadwanj dated 6th December, 2001, the birth date of the petitioner is 27th May, 1958. In view of the inconsistent dates found in two documents, the petitioner has approached to the respondent authority.

2. Mr. Acharya, learned advocate appearing for the petitioner has submitted that as per the Rules, unless and until the petitioner obtained necessary orders from the Competent Court, it will not be possible for authority to entertain the application/representation for correcting the date of birth and accordingly, he requested that necessary direction be given to the authority.

3. In the aforesaid facts and circumstances and as highlighted in the petition that the actual birth date as found from the birth certificate issued by Chief Officer, Kapadwanj Municipality shows that the birth date of the petitioner is 9th May, 1962 as per the birth certificate dated 14.5.1962 and as the passport is not yet issued, it will be in the fitness of the thing, the authority is required to consider for effecting the change of birth date in the pass port of the petitioner. Accordingly, the respondent authority is directed to consider the request made by the petitioner for change of birth date in the pass port of the petitioner issued by the authority and if, it is fit genuine, the authority is directed to effect the change as requested by the petitioner and necessary steps be taken for correcting the birth date of the petitioner in the pass port.

4. Mr. Acharya, learned advocate for the petitioner has stated that the petitioner will apply for passport and the respondent is required to examine the application of the petitioner as expeditiously as possible. It is directed that if the petitioner will apply fresh, the application of the petitioner will decide as expeditiously as possible. With these observations, this petition is disposed of. Direct service permitted.

(D.K.Trivedi,J.)

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